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EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Retrans Quiet Period, *Ex Parte* Presentation in Dockets No. 00-96, 98-120, 07-148**

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH Network") submits this letter summarizing ex parte presentations from yesterday and today in the above-referenced dockets. Brad Gillen and the undersigned met yesterday with Krista Witanowski in Chairman Martin's Office and today with Monica Desai, Eloise Gore, and Lyle Elder of the Media Bureau advocating for a retrans quiet period to ensure that consumers do not lose programming as a result of retransmission consent disputes in the immediate time surrounding the February 2009 digital transition. We stressed that to be effective a retrans quiet period must begin no later than December 2008.

Respectfully submitted,

/s/ Linda Kinney

Linda Kinney

Enclosure

cc: K. Witanowski
M. Desai
E. Gore
L. Elder



Retrans Quiet Period

The Commission should adopt a retrans quiet period starting in December 2008 to avoid harm to consumers.

Retrans negotiations will overlap with the digital transition.

Thousands of retransmission consent agreements will expire in December 2008 – just weeks before the final digital transition date.

Most pay TV subscribers do not need to do anything to be “transition ready.” But, if broadcasters and pay TV providers do not reach a new retrans deal, consumers could lose access to some or all of their local broadcast stations.

Any dropped broadcast programming close to February 2009 may cause customer confusion and wasted expenditures (e.g., converter boxes, digital TVs).

Broadcasters and pay TV providers support a quiet period.

Broadcasters, cable companies and satellite providers all support a quiet period around the digital transition.

To avoid customer confusion, any broadcast station carried on a pay TV platform today should remain available to consumers up to and through the digital transition – *i.e.*, maintain the status quo.

The only way to protect the status quo is to begin the quiet period no later than December to capture the expiration of most retrans deals.

Starting a quiet period later than December would be pointless because programming would already be dropped and the harm done. Programming cannot be added back in February absent a new carriage deal.

Broadcaster conduct in retrans negotiations merits broader review.

Broadcasters are seeking exponentially large increases in per subscriber costs: demands are often for increases of over 200 percent of current rates.

The Commission should conduct a comprehensive review of the retransmission consent process and the good faith standard.